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# BEFORE THE BOARD OF MEDICAL EXAMINERS

#### IN THE STATE OF ARIZONA

In the Matter of

#### J. ANTONIO GONZALEZ, M.D.

Holder of License No. 16963 For the Practice of Medicine In the State of Arizona. Case No. MD-99-0724

CONSENT AGREEMENT FOR LETTER OF REPRIMAND

#### **CONSENT AGREEMENT**

By mutual agreement and understanding, between the Arizona Board of Medical Examiners ("Board") and J. Antonio Gonzalez, M.D. ("Respondent"), the parties agreed to the following disposition of this matter at the Board's public meeting on December 6, 2001.

- 1. Respondent acknowledges that he has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order. Respondent acknowledges that he understands he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.
- 2. Respondent understands that by entering into this Consent Agreement for the issuance of the foregoing Order, he voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement and the Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.
- Respondent acknowledges and understands that this Consent Agreement and the Order will not become effective until approved by the Board and signed by its Executive Director.
- 4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving

the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

- 5. Respondent acknowledges and agrees that, although the Consent Agreement has not yet been accepted by the Board and issued by the Executive Director, upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke his acceptance of the Consent Agreement and Order. Respondent may not make any modifications to the document. Any modifications to this original document are ineffective and void unless mutually approved by the parties.
  - 6. Respondent further understands that this Consent Agreement and Order, once approved and signed, shall constitute a public record document that may be publicly disseminated as a formal action of the Board.
    - 7. If any part of the Consent Agreement and Order is later declared void or otherwise unenforceable, the remainder of the Order in its entirety shall remain in force and effect.

J. Antonio Gonzalez, M.D.

Reviewed and accepted this six day of \_\_\_\_\_\_, 2001.

A. Craig Blakey, Attorney at Law (Counsel For Dr. J. Antonio Gonzalez) Reviewed and approved as to form this 5 to day of \_\_\_\_\_\_ 2001.

#### **FINDINGS OF FACT**

- 1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
- 2. Respondent is the holder of license number 16963 for the practice of allopathic medicine in the State of Arizona.
- 3. The Board initiated case number MD-99-0724 after receiving notification of malpractice settlement from Respondent's malpractice insurer.
- 4. On July 4, 1997, patient L.O., a 49 year-old male, entered the Emergency Room at Carondelet St. Mary's Hospital in Tucson, Arizona complaining of severe epigastric and uncontrollable abdominal pain.
- 5. The emergency room physician examined patient L.O. and reviewed patient L.O.'s previous charts, which revealed a history of hypertension, gallbladder disease and cardiovascular problems. In 1993 due to patient L.O.'s cardiovascular problems, another physician opined not to perform surgery.
- 6. The emergency room physician diagnosed acute abdominal pain and cholecystitis with cholelithiasis. The emergency room physician consulted with a surgeon by telephone, and admitted patient L.O. for surgery scheduled for the morning of July 5, 1997. An EKG was performed, which noted abnormal sinus rhythm, left axis deviation, incomplete left bundle branch block, left atrial enlargement, and a left ventricular hypertrophy with ST-T abnormalities.
- 7. Prior to surgery on the morning of July 5, 1997, Respondent performed a pre-operative anesthesia evaluation. Respondent noted that the EKG findings and hypertension, but failed to order a chest X-ray study.

- 8. At 11:15 am, Respondent proceeded to administer Labetalol and Esmolol. Patient L.O.'s blood pressure dropped to 40 systolic and CPR was instituted. Patient L.O. remained in a coma and eventually died on July 23, 1997.
- 10. Board Medical Consultants, William J. Kennell, M.D. and Nicholas J. Soldo, M.D., concluded that Respondent failed to properly evaluate patient L.O. prior to administering anesthesia.
- 11. Respondent fell below the acceptable standard of care in his pre-operative evaluation of patient L.O.

#### **CONCLUSIONS OF LAW**

- 1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.
- 2. The conduct and circumstances described above in paragraphs 3 to 11 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(I)("[c]onduct that the board determines is gross malpractice, repeated malpractice or any malpractice resulting in the death of a patient.")
- 3. The conduct and circumstances described above in paragraphs 3 to 11 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(q) ("[a]ny conduct or practice which is or might be harmful or dangerous to the health of the patient or the public.")
- 4. The conduct and circumstances described above in paragraphs 3 to 11 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(II) ("[c]onduct that the board determines is gross negligence, repeated negligence or negligence resulting in harm to or the death of a patient.")

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### <u>ORDER</u>

### IT IS HEREBY ORDERED THAT:

- 1. Respondent is issued a Letter of Reprimand for his failure to properly evaluate a patient prior to administering anesthesia.
- 2. This Order is the final disposition of case number MD-99-0724, as it relates to Respondent.

DATED AND EFFECTIVE this 6th day of Secenber, 2001.



BOARD OF MEDICAL EXAMINERS OF THE STATE OF ARIZONA

CLAUDIA FOUTZ, Executive Director
TOM ADAMS, Deputy Director

ORIGINAL of the foregoing filed this day of incoming 12001 with:

The Arizona Board of Medical Examiners 9545 E. Doubletree Ranch Road Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed by Certified Mail this Lath day of wenter 2001 to:

A. Craig Blakey, Esq. Olson, Jantsch, Bakker, & Blakey 7243 N. 16<sup>th</sup> St. Phoenix, AZ 85020-5203

1	EXECUTED COPY of the foregoing mailed this lotto:
2	_
3	J. Antonio Gonzalez, M.D. P.O. Box 118
4	Springfield, IL 62705-0118
5	EXECUTED COPY of the foregoing hand-delivered this <u>(j. thi)</u> day of
6	hand-delivered this <u>(ε<sup>t1 t</sup>)</u> day of <u>December</u> , 2001, to:
7	Christine Cassetta, Assistant Attorney General
8	Sandra Waitt, Management Analyst Lynda Mottram, Compliance Officer
9	Lisa Maxie-Mullins, Legal Coordinator (Investigation File)
10	c/o Arizona Board of Medical Examiners 9545 E. Doubletree Ranch Road
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